

110TH CONGRESS
2D SESSION

S. 3006

To establish procedures for the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2008

Mr. CARPER (for himself, Ms. SNOWE, Mr. BAYH, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To establish procedures for the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Budget Enforcement
5 Legislative Tool Act of 2008”.

6 **SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PRO-**
7 **POSED RESCISSIONS.**

8 (a) IN GENERAL.—Part B of title X of the Congres-
9 sional Budget and Impoundment Control Act of 1974 (2

1 U.S.C. 681 et seq.) is amended by redesignating sections
 2 1013 through 1017 as sections 1014 through 1018, re-
 3 spectively, and inserting after section 1012 the following
 4 new section:

5 “EXPEDITED CONSIDERATION OF CERTAIN PROPOSED
 6 RESCISSIONS

7 “SEC. 1013. (a) PROPOSED RESCISSION OF DISCRE-
 8 TIONARY BUDGET AUTHORITY.—In addition to the meth-
 9 od of rescinding discretionary budget authority specified
 10 in section 1012, the President may propose, at the time
 11 and in the manner provided in subsection (b), the rescis-
 12 sion of any discretionary budget authority provided in an
 13 appropriations Act. Funds made available for obligation
 14 under this procedure may not be proposed for rescission
 15 again under this section or section 1012.

16 “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

17 “(1) Not later than 3 days after the date of en-
 18 actment of an appropriations Act subject to rescis-
 19 sion under this section, the President may transmit
 20 to Congress a special message proposing to rescind
 21 amounts of discretionary budget authority provided
 22 in that Act and include with that special message a
 23 draft bill or joint resolution that, if enacted, would
 24 only rescind that discretionary budget authority.

25 “(2) In the case of an Act that includes ac-
 26 counts within the jurisdiction of more than one sub-

1 committee of the Committee on Appropriations, the
2 President in proposing to rescind discretionary
3 budget authority under this section shall send a sep-
4 arate special message and accompanying draft bill or
5 joint resolution for accounts within the jurisdiction
6 of each such subcommittee.

7 “(3) Each special message shall specify, with
8 respect to the discretionary budget authority pro-
9 posed to be rescinded, the matters referred to in
10 paragraphs (1) through (5) of section 1012(a).

11 “(c) LIMITATION ON AMOUNTS SUBJECT TO RESCIS-
12 SION.—

13 “(1) The amount of discretionary budget au-
14 thority which the President may propose to rescind
15 in a special message under this section for a par-
16 ticular program, project, or activity for a fiscal year
17 may not exceed 25 percent of the amount appro-
18 priated for that program, project, or activity in that
19 Act.

20 “(2) The limitation contained in paragraph (1)
21 shall only apply to a program, project, or activity
22 that is authorized by law.

23 “(d) PROCEDURES FOR EXPEDITED CONSIDER-
24 ATION.—

1 “(1)(A) Before the close of the second day of
2 continuous session of the applicable House after the
3 date of receipt of a special message transmitted to
4 Congress under subsection (b), the majority leader
5 or minority leader of the House of Congress in
6 which the Act involved originated shall introduce (by
7 request) the draft bill or joint resolution accom-
8 panying that special message. If the bill or joint res-
9 olution is not introduced as provided in the pre-
10 ceding sentence, then, on the third day of continuous
11 session of that House after the date of receipt of
12 that special message, any Member of that House
13 may introduce the bill or joint resolution.

14 “(B) The bill or joint resolution shall be re-
15 ferred to the Committee on Appropriations of that
16 House. The committee shall report the bill or joint
17 resolution without substantive revision and with or
18 without recommendation. The bill or joint resolution
19 shall be reported not later than the seventh day of
20 continuous session of that House after the date of
21 receipt of that special message. If the Committee on
22 Appropriations fails to report the bill or joint resolu-
23 tion within that period, that committee shall be
24 automatically discharged from consideration of the

1 bill or joint resolution, and the bill or joint resolu-
2 tion shall be placed on the appropriate calendar.

3 “(C) A vote on final passage of the bill or joint
4 resolution shall be taken in that House on or before
5 the close of the 10th calendar day of continuous ses-
6 sion of that House after the date of the introduction
7 of the bill or joint resolution in that House. If the
8 bill or joint resolution is agreed to, the Clerk of the
9 House of Representatives (in the case of a bill or
10 joint resolution agreed to in the House of Represent-
11 atives) or the Secretary of the Senate (in the case
12 of a bill or joint resolution agreed to in the Senate)
13 shall cause the bill or joint resolution to be en-
14 grossed, certified, and transmitted to the other
15 House of Congress on the same calendar day on
16 which the bill or joint resolution is agreed to.

17 “(2)(A) A bill or joint resolution transmitted to
18 the House of Representatives or the Senate pursu-
19 ant to paragraph (1)(C) shall be referred to the
20 Committee on Appropriations of that House. The
21 committee shall report the bill or joint resolution
22 without substantive revision and with or without rec-
23 ommendation. The bill or joint resolution shall be re-
24 ported not later than the seventh day of continuous
25 session of that House after it receives the bill or

1 joint resolution. A committee failing to report the
2 bill or joint resolution within such period shall be
3 automatically discharged from consideration of the
4 bill or joint resolution, and the bill or joint resolu-
5 tion shall be placed upon the appropriate calendar.

6 “(B) A vote on final passage of a bill or joint
7 resolution transmitted to that House shall be taken
8 on or before the close of the 10th calendar day of
9 continuous session of that House after the date on
10 which the bill or joint resolution is transmitted. If
11 the bill or joint resolution is agreed to in that
12 House, the Clerk of the House of Representatives
13 (in the case of a bill or joint resolution agreed to in
14 the House of Representatives) or the Secretary of
15 the Senate (in the case of a bill or joint resolution
16 agreed to in the Senate) shall cause the engrossed
17 bill or joint resolution to be returned to the House
18 in which the bill or joint resolution originated.

19 “(3)(A) A motion in the House of Representa-
20 tives to proceed to the consideration of a bill or joint
21 resolution under this section shall be highly privi-
22 leged and not debatable. An amendment to the mo-
23 tion shall not be in order, nor shall it be in order
24 to move to reconsider the vote by which the motion
25 is agreed to or disagreed to.

1 “(B) Debate in the House of Representatives
2 on a bill or joint resolution under this section shall
3 not exceed 4 hours, which shall be divided equally
4 between those favoring and those opposing the bill
5 or joint resolution. A motion further to limit debate
6 shall not be debatable. It shall not be in order to
7 move to recommit a bill or joint resolution under
8 this section or to move to reconsider the vote by
9 which the bill or joint resolution is agreed to or dis-
10 agreed to.

11 “(C) Appeals from decisions of the Chair relat-
12 ing to the application of the Rules of the House of
13 Representatives to the procedure relating to a bill or
14 joint resolution under this section shall be decided
15 without debate.

16 “(D) Except to the extent specifically provided
17 in the preceding provisions of this subsection, con-
18 sideration of a bill or joint resolution under this sec-
19 tion shall be governed by the Rules of the House of
20 Representatives.

21 “(4)(A) A motion in the Senate to proceed to
22 the consideration of a bill or joint resolution under
23 this section shall be privileged and not debatable. An
24 amendment to the motion shall not be in order, nor

1 shall it be in order to move to reconsider the vote
2 by which the motion is agreed to or disagreed to.

3 “(B) Debate in the Senate on a bill or joint res-
4 olution under this section, and all debatable motions
5 and appeals in connection therewith, shall not exceed
6 10 hours. The time shall be equally divided between,
7 and controlled by, the majority leader and the mi-
8 nority leader or their designees.

9 “(C) Debate in the Senate on any debatable
10 motion or appeal in connection with a bill or joint
11 resolution under this section shall be limited to not
12 more than 1 hour, to be equally divided between,
13 and controlled by, the mover and the manager of the
14 bill or joint resolution, except that in the event the
15 manager of the bill or joint resolution is in favor of
16 any such motion or appeal, the time in opposition
17 thereto, shall be controlled by the minority leader or
18 his designee. Such leaders, or either of them, may,
19 from time under their control on the passage of a
20 bill or joint resolution, allot additional time to any
21 Senator during the consideration of any debatable
22 motion or appeal.

23 “(D) A motion in the Senate to further limit
24 debate on a bill or joint resolution under this section

1 is not debatable. A motion to recommit a bill or joint
2 resolution under this section is not in order.

3 “(e) AMENDMENTS PROHIBITED.—No amendment to
4 a bill or joint resolution considered under this section shall
5 be in order in either the House of Representatives or the
6 Senate. No motion to suspend the application of this sub-
7 section shall be in order in either House, nor shall it be
8 in order in either House to suspend the application of this
9 subsection by unanimous consent.

10 “(f) REQUIREMENT TO MAKE AVAILABLE FOR OBLI-
11 GATION.—Any amount of discretionary budget authority
12 proposed to be rescinded in a special message transmitted
13 to Congress under subsection (b) shall be made available
14 for obligation on the day after the date on which either
15 House defeats the bill or joint resolution transmitted with
16 that special message.

17 “(g) DEFINITIONS.—For purposes of this section—

18 “(1) continuity of a session of either House of
19 Congress shall be considered as broken only by an
20 adjournment of that House sine die, and the days on
21 which that House is not in session because of an ad-
22 journment of more than 3 days to a date certain
23 shall be excluded in the computation of any period;
24 and

1 “(2) the term ‘discretionary budget authority’
2 means the dollar amount of discretionary budget au-
3 thority and obligation limitations—

4 “(A) specified in an appropriation law, or
5 the dollar amount of budget authority required
6 to be allocated by a specific proviso in an ap-
7 propriation law for which a specific dollar figure
8 was not included;

9 “(B) represented separately in any table,
10 chart, or explanatory text included in the state-
11 ment of managers or the governing committee
12 report accompanying such law;

13 “(C) required to be allocated for a specific
14 program, project, or activity in a law (other
15 than an appropriation law) that mandates obli-
16 gations from or within accounts, programs,
17 projects, or activities for which budget authority
18 or an obligation limitation is provided in an ap-
19 propriation law;

20 “(D) represented by the product of the es-
21 timated procurement cost and the total quantity
22 of items specified in an appropriation law or in-
23 cluded in the statement of managers or the gov-
24 erning committee report accompanying such
25 law; or

1 “(E) represented by the product of the es-
 2 timated procurement cost and the total quantity
 3 of items required to be provided in a law (other
 4 than an appropriation law) that mandates obli-
 5 gations from accounts, programs, projects, or
 6 activities for which dollar amount of discre-
 7 tionary budget authority or an obligation limita-
 8 tion is provided in an appropriation law.”.

9 (b) EXERCISE OF RULEMAKING POWERS.—Section
 10 904 of such Act (2 U.S.C. 621 note) is amended—

11 (1) by striking “and 1017” in subsection (a)
 12 and inserting “1013, and 1018”; and

13 (2) by striking “section 1017” in subsection (d)
 14 and inserting “sections 1013 and 1018”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 1011 of such Act (2 U.S.C. 682(5))
 17 is amended—

18 (A) in paragraph (4), by striking “1013”
 19 and inserting “1014”; and

20 (B) in paragraph (5)—

21 (i) by striking “1016” and inserting
 22 “1017”; and

23 (ii) by striking “1017(b)(1)” and in-
 24 serting “1018(b)(1)”.

1 (2) Section 1015 of such Act (2 U.S.C. 685)
2 (as redesignated by subsection (a)) is amended—

3 (A) by striking “1012 or 1013” each place
4 it appears and inserting “1012, 1013, or
5 1014”;

6 (B) in subsection (b)(1), by striking
7 “1012” and inserting “1012 or 1013”;

8 (C) in subsection (b)(2), by striking
9 “1013” and inserting “1014”; and

10 (D) in subsection (e)(2)—

11 (i) by striking “and” at the end of
12 subparagraph (A);

13 (ii) by redesignating subparagraph
14 (B) as subparagraph (C);

15 (iii) by striking “1013” in subpara-
16 graph (C) (as so redesignated) and insert-
17 ing “1014”; and

18 (iv) by inserting after subparagraph
19 (A) the following new subparagraph:

20 “(B) he has transmitted a special message
21 under section 1013 with respect to a proposed
22 rescission; and”.

23 (3) Section 1016 of such Act (2 U.S.C. 686)
24 (as redesignated by subsection (a)) is amended by

1 striking “1012 or 1013” each place it appears and
 2 inserting “1012, 1013, or 1014”.

3 (d) CLERICAL AMENDMENTS.—The table of sections
 4 for subpart B of title X of such Act is amended—

5 (1) by redesignating the items relating to sec-
 6 tions 1013 through 1017 as items relating to sec-
 7 tions 1014 through 1018; and

8 (2) by inserting after the item relating to sec-
 9 tion 1012 the following new item:

“Sec. 1013. Expedited consideration of certain proposed rescissions.”.

10 (e) APPLICATION.—Section 1013 of the Congres-
 11 sional Budget and Impoundment Control Act of 1974 (as
 12 added by subsection (a)) shall apply to amounts of discre-
 13 tionary budget authority provided by appropriation Acts
 14 (as defined in subsection (g)(2) of such section) that are
 15 enacted after the date of the enactment of this Act.

16 **SEC. 3. TERMINATION.**

17 The authority provided by section 1013 of the Con-
 18 gressional Budget and Impoundment Control Act of 1974
 19 (as added by section 2) shall terminate effective on the
 20 date in 2012 on which the Congress adjourns sine die.

○